

AFFIDAVIT

I, Eric Brimo, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since February of 2016. Prior to working for the ATF, I was a Special Agent with the U.S. Department of State, Diplomatic Security Service since 2010. I am familiar with federal laws relating to firearms and controlled substances, have been trained in the investigation of violations of said laws, and have participated in such investigations. During my law enforcement career, I have worked on numerous drug and narcotics investigations, and am familiar with criminal use, possession, sale, and trafficking of illegal drugs.

2. I set forth the following to demonstrate probable cause to believe that Eric LaFrance, knowing he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, a firearm, in violation of Title 18, United States Code, Section 922(g)(1).

3. This affidavit is based upon my training and experience, and the investigation of other law enforcement officers. More specifically, I know the information contained within this affidavit from reviewing reports provided by several law enforcement agencies in the State of Massachusetts as well as conversations with ATF Special Agent Christopher Bzduch of the ATF Springfield, Massachusetts Field Office, members of the ATF Burlington, Vermont Field Office, and my own observations and participation in this investigation. Because this affidavit is submitted for the limited purpose of establishing probable cause, I have not set forth each and every fact learned by law enforcement during the course of the investigation. Where I describe a statement, it is described in substance, not verbatim.

ATF Investigation and Receipt of Information

4. In April 2020, the ATF Burlington Field Office began an investigation targeting the unlawful trafficking of firearms between Vermont and Western Massachusetts. ATF received information from several sources that individuals involved in drug distribution from Western Massachusetts were frequently obtaining firearms in Vermont in exchange for drugs. These Vermont-sourced firearms are then often recovered during investigations of violent incidents.

5. In mid-June 2020, the ATF Burlington Field Office was contacted by a Federal Firearms Licensee (FFL) who stated that an individual advising he was from Holyoke, Massachusetts, attempted to arrange a purchase of two low-cost handguns from the FFL via a social media website. The FFL advised that he conducts the bulk of his business through the social media website and that an individual with the name “Eric LaFrance” on the social media website contacted him asking to purchase a firearm. The FFL further advised that “Eric LaFrance” listed his location as being in Holyoke, Massachusetts. The FFL advised that he told “Eric LaFrance” he could not sell to a non-Vermont resident. “Eric LaFrance” then changed his social media website to list his location as Stratton, Vermont. After conversing further with “Eric LaFrance” online, the FFL declined to complete the transaction, and thereafter advised ATF that the attempted purchase was suspicious.

6. Upon receiving this information from the FFL, I conducted a query of “Eric LaFrance” in Western Massachusetts via several investigative commercial databases to include Clear and Accurant. I was able to match the social media “Eric LaFrance” to Eric LaFrance of Easthampton, Massachusetts. In addition, I obtained records from Massachusetts law enforcement which included known photographs of LaFrance which appeared to be the same

person as depicted in photographs of “Eric LaFrance” on the social media website. In addition, LaFrance was reported to have a “La Familia” tattoo on his hand. Based on my training and experience, I know that “La Familia” is a violent street gang that has several members active in the Holyoke, Massachusetts area. I also obtained a Massachusetts driver’s license record for LaFrance, which contained a similar photo and provided additional demographic information.

7. I also conducted a review of LaFrance’s criminal history in the National Crime Information Center (NCIC). I queried LaFrance in NCIC by his full name, date of birth, and unique FBI Identification Number and observed that he has criminal histories in Massachusetts, New Hampshire, and North Dakota. According to his Massachusetts criminal history, LaFrance was convicted of Larceny of a Motor Vehicle, later amended on April 14, 2016 to Larceny over \$250.00, for which he was sentenced to 18 months in the Massachusetts House of Corrections, suspended. I also contacted the Orleans District Court in Massachusetts and obtained the court records from the case, docket 1626CR000267, which also listed the conviction and that the charge was amended. I further determined that Larceny over \$250 is a felony in the State of Massachusetts. Because of his prior conviction, LaFrance is prohibited from possessing, purchasing or owning firearms or ammunition.

8. I discussed the information about LaFrance with ATF SA Ben Cohen. SA Cohen, acting in undercover capacity, then contacted LaFrance on the same social media website LaFrance had originally contacted the FFL. LaFrance accepted the communication request with SA Cohen and expressed interest in obtaining firearms. SA Cohen advised LaFrance that he had a GLOCK Model 22 .40 caliber semi-automatic pistol for sale. LaFrance stated he wished to purchase that firearm and through several exchanges of messages with SA Cohen, advised he would trade an older revolver, marijuana, U.S. currency or some combination of the

three in exchange for the firearm from SA Cohen. SA Cohen agreed to the transaction and the two arranged to meet in Brattleboro, Vermont to complete the transaction.

Undercover Firearm Reverse Operation

9. Once the transaction was scheduled with LaFrance, SA Cohen and I coordinated a joint ATF firearms reverse operation with the ATF Burlington Field Office, ATF Springfield Field Office, the Hartford, Vermont Police Department, and the Brattleboro, Vermont Police Department. SA Cohen arranged to meet LaFrance on June 22, 2020, in the 500 block of Canal St. in Brattleboro, VT, near Exit 1 off Interstate 91. Prior to the operation, ATF personnel deployed to the area and conducted surveillance of the location. Participating personnel were provided a photograph of LaFrance and his overall description. At approximately 6:23pm, a blue Hyundai sedan was observed arriving at the location where SA Cohen and LaFrance had agreed to meet. I observed LaFrance exit the vehicle and then immediately walk over to SA Cohen. SA Cohen then showed LaFrance the GLOCK Model 22 .40 caliber semi-automatic pistol bearing serial number BDT961. LaFrance was then observed returning back to the Hyundai sedan trunk where he picked up a black bag and brought it back to SA Cohen where he showed him the contents. SA Cohen then gave the GLOCK Model 22 .40 caliber semi-automatic pistol to LaFrance who in exchange gave SA Cohen U.S. currency, later found to be \$340.00.

10. SA Cohen then gave the visual and audio signal to nearby personnel and began converging on LaFrance who was taken into custody without incident. I then spoke with SA Cohen who advised me that when LaFrance showed him the black bag he observed it contained suspected marijuana and an older model revolver. The black bag was recovered on scene and located inside it was the GLOCK Model 22 .40 caliber semi-automatic pistol-bearing

serial number BDT961 provided by SA Cohen, suspected marijuana, and another firearm, later identified as an Iver Johnson Arms and Cycle Works Unknown Model .38 revolver-bearing serial number 3864.

11. Once detained, LaFrance advised he suffers from anxiety and requested medical personnel evaluate him because of shortness of breath. Brattleboro EMS responded to the scene. After LaFrance was evaluated (but was still being monitored by EMS personnel), ATF SA Samuel Brown spoke with him. SA Brown advised LaFrance of his constitutional rights, and after stating he understood, LaFrance agreed to answer SA Brown's questions. LaFrance advised he wanted to obtain the GLOCK Model 22 .40 caliber semi-automatic pistol for protection because he was recently robbed. I then spoke with LaFrance and asked him why he needed another firearm when he already had the revolver. LaFrance stated he thought he was allowed to possess the revolver because it was an antique. LaFrance then requested to go to the hospital for further evaluation for his anxiety. LaFrance was transported by EMS to the Brattleboro Hospital and SA Brown accompanied him.

12. SA Brown advised me that he had further conversation with LaFrance while at the hospital. LaFrance admitted to being a daily user of marijuana, using two grams of THC oil per day, and admitted he was on probation for larceny. LaFrance reportedly was not certain but advised he believed he could have been sentenced up to two and a half years for the larceny charge. SA Brown advised that after a short evaluation, LaFrance was discharged from this hospital without needing any additional care. LaFrance was then transported to the Southern State Correctional Facility in Springfield, VT.

Interstate Nexus Determination

13. As part of this investigation, ATF SA Joseph Davis, a designated ATF interstate nexus expert, reviewed the firearm traded by SA Cohen to LaFrance for U.S. currency, suspected marijuana and a revolver. SA Davis advised the firearm, a GLOCK Model 22 .40 caliber semi-automatic pistol bearing serial number BDT961, was manufactured outside the State of Vermont, and by its presence in Vermont, must have travelled across state lines affecting interstate commerce.

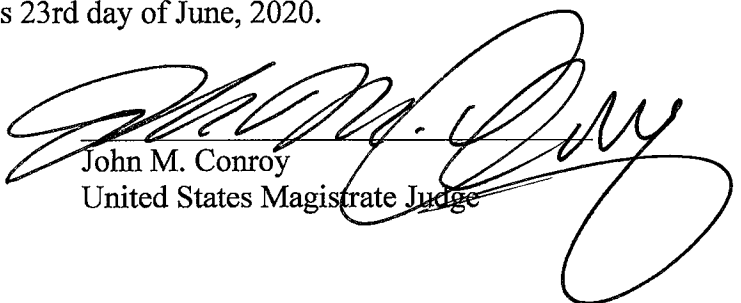
Conclusion

14. Based on the information set forth above, I believe there is probable cause that Eric LaFrance, knowing he had been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, a firearm, in violation of Title 18, United States Code, Section 922(g)(1).

Dated at Burlington, in the District of Vermont, this 23rd day of June, 2020.


Eric Brimo
Special Agent, ATF

Sworn to and subscribed before me this 23rd day of June, 2020.


John M. Conroy
United States Magistrate Judge